

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

## BLUEFIELD DIVISION

**JOYCE A. WELCH,**  
**Plaintiff,**

**V.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.**

**CIVIL ACTION NO. 1:08-01139**


## MEMORANDUM OPINION AND ORDER

The Defendant, Michael J. Astrue, Commissioner of the Social Security Administration, by counsel, Stephen M. Horn, Assistant United States Attorney for the Southern District of West Virginia, has moved the Court to remand this case to the Commissioner pursuant to the provisions of sentence four of 42 U.S.C. § 405(g). (Document No. 14.) Counsel for the Defendant asserts that on remand, “the Administrative Law Judge (ALJ) will further evaluate the claimant’s residual functional capacity and obtain supplemental evidence from a vocational expert to clarify whether there are jobs which the claimant could perform prior to January 2, 2006.” (Document No. 14 at 1.) Counsel further states that counsel for Plaintiff does not object to the granting of the Motion for Remand. (Id.) Both parties have consented to disposition by the United States Magistrate Judge. (Document Nos. 3 and 4.)

Accordingly, there being good cause for the Defendant's Motion for Remand and there being no objection, it is hereby **ORDERED** that the Defendant's Motion for Remand (Document No. 14.) is **GRANTED**. This case is **REMANDED** to the Commissioner of Social Security for further proceedings before an Administrative Law Judge as specified by the Commissioner in his Motion for Remand pursuant to the provisions of sentence four of 42 U.S.C. § 405(g).

The Clerk is directed to send a copy of this Order to counsel of record.

ENTER: April 3, 2009.

  
R. Clarke VanDervort  
United States Magistrate Judge